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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,105	09/06/2005	William Dean Miller	P9450-0205	1931
62993	7590	12/20/2007	EXAMINER	
BUCHALTER NEMER 18400 VON KARMAN AVE. SUITE 800 IRVINE, CA 92612			BAXTER, GWENDOLYN WRENN	
			ART UNIT	PAPER NUMBER
			3632	
			MAIL DATE	DELIVERY MODE
			12/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/522,105	Applicant(s) MILLER, WILLIAM DEAN	
	Examiner Gwendolyn Baxter	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-30 and 32-34 is/are rejected.
- 7) ☒ Claim(s) 13, 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is the second Office Action for application serial number 10/522,105, Base Assemblies, Methods of Production and Uses Thereof filed January 24, 2005.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-9, 14, 16, 17, 19-23, 25-27, 32 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,095,482 to LaGrotta et al. LaGrotta teaches a base assembly comprising a frame system (12), a plurality of receiving members (14), and at least one coupling apparatus (42, bolt system). The receiving members are coupled to the frame system. The coupling apparatus is designed to couple or to facilitate coupling of the base assembly to a load component (40). The frame system comprises at least two parallel beams (12) and at least one cross beam (30). The frame system comprises a square, rectangular, triangular or a hexagonal configuration. The frame system is rectangular. The receiving member comprises channels (16). The receiving members are structurally reinforced (col. 2, line

40+). The base member comprises steel. The load component (40) comprises a remote enclosure system. The method claims are rejected based upon the predication on the structural recitation for patentability since the structure is critical to the steps being performed. LaGrotta's base assembly provides consistent aeration and reasonably dry conditions under the load component.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 15, 18, 24 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaGrotta. LaGrotta teaches the limitations of the base claim, excluding at least one additional frame system or the load component is wine, liquor or beer barrel or drum. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have an additional frame system, since it has been held that mere duplication of the working parts of a device involves only routine skill in the art. Additionally, the mere recitation of types of load components to be placed upon the base assembly does not show in the invention that it would be critical to the functionality of the device. In fact, the various load components is considered intended

use choices. Consequently, the load components fail to render itself patentably distinguishable over the aforementioned references. The method claims are rejected based upon the predication on the structural recitation for patentability since the structure is critical to the steps being performed.

Claims 10, 11, 12, 28, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaGrotta in view of U.S. Patent No. 4,393,999 to Forshee. LaGrotta teaches the limitations of the base claim, excluding the coupling apparatus comprising at least one of a soldering joint, a bolt/nut/washer apparatus, an adhesive component, a molding component, a grip component or a combination thereof.

Forshee teaches a base assembly comprising coupling apparatus consisting of a nut (76)/bolt (68)/washer (not numbered). See figure 5. There appears to be a washer beneath the head of the screw. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the coupling apparatus as taught by LaGrotta to have incorporated the nut/bolt/washer as taught by Forshee for the purpose of holding down the load component. The method claims are rejected based upon the predication on the structural recitation for patentability since the structure is critical to the steps being performed. Regarding claims 12 and 30, as the coupling apparatus as taught by LaGrotta in view of Forshee is tighten on member 30, it will create a small degree of sheer or deformation since the material is lightweight in nature.

Allowable Subject Matter

Claims 13 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed October 9, 2007 have been fully considered but they are not persuasive. Applicant states "In column 3 and 4 of LaGrotta – the inventors point out that the ballast or concrete that supports the equipment mounting structure with equipment is porous and therefore acts as a heat sink. Therefore, the heat from the equipment is not aerated from the equipment mounting structure, but is instead forced down into the concrete or porous ballast and into the earth." In column 4, lines 7+, states "An advantage of ballasted structures in accordance with this invention is that ballast, in contrast to poured concrete, is quite porous and can serve as a heat sink for adding to or removing heat from the circulating air." Therefore, LaGrotta is not merely a heat sink as indicated by applicant, but it is capable of providing consistent aeration and reasonably dry conditions under the load component.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

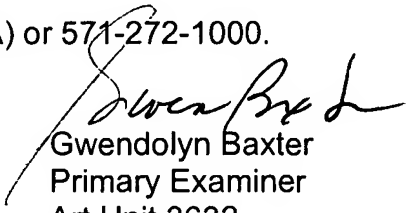
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 571-272-6814. The examiner can normally be reached on Monday-Wednesday, 8:30am - 3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gwendolyn Baxter
Primary Examiner
Art Unit 3632

December 12, 2007